

STATE OF HAWAII
LAND USE COMMISSION

July 8, 1969
7:00 P.M. Meeting

Lihue, Kauai

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(Meeting was not formally called to order during taping.)

UNIDENTIFIED:

. . . how they could be improved, the Commission would be glad to hear them. Mr. Duran.

MR. DURAN:

Mr. Chairman, Commissioners, ladies and gentlemen . . .

CHAIRMAN:

Can you hear Mr. Duran? If not, let's move up now. Let's not move up later on. Okay?

MR. DURAN:

Due to the requirements of Act 187 . . . (inaudible) . . . as amended, public hearings have been conducted throughout the Counties and the State on the rules and practices and procedures on the State Land Use regulations. A public hearing was held on the County of Kauai on April 11, 1969, and this is . . . (inaudible) . . . the County of Maui on May 9 and the City and County of Honolulu on May 23. . . (inaudible) . . . of our last public hearing . . . (inaudible) . . . and the following is a summary of the significant recommended changes on the existing rules and regulations. The rules in practice governing the proceedings of the Land Use Commission are designed to ensure that . . . (inaudible) . . . Two new sections have been added regarding the consideration of the petition . . . (inaudible) . . . and reapplication by petitioners, section 211, . . . (inaudible) . . . to clarify the petitions for which these actions can or cannot (inaudible). Any other recommendation involving additions or deletions of . . . (inaudible) . . . for the purpose of making rules more clear and in no way alter the original meaning.

MR. DURAN (Cont'd.)

The same Land Use District regulations were amended whereby the minimum requirements (inaudible) state-wide objectives; changes for standards in urban districts have been recommended to provide for the creation of new towns. It emphasized the need for economic feasibility studies and development of construction scheduled by petitioners requesting urban zoning. It recognizes goals and (inaudible) of the State and County and to permit utilization of (inaudible) lands over 20% for urban uses with reasonable (inaudible).

Under the Agricultural District standards, the general (inaudible) and definition of agricultural areas have been recommended by deleting the (inaudible) sections of the agricultural district, more accurately reflecting the intent of the Land Use Law. Under permissible uses within the Agricultural District, changes included permitting only public uses related to agriculture; clarifying public utility uses, relating the intent of the open area to agricultural uses, providing for County and Land Use Commission review for other recreational and non-agricultural uses through the special permit process, and the general (inaudible) of all non-agricultural uses not mentioned in the law.

Standards for determining Conservation District proposed amendments provide special attention to shoreline and off-shore conservation and utilization with a new definition of the shoreline in recognition of public safety in relation to unsuitable and unsafe lands, and the preservation of archaeological sites.

Three elements of a regulatory nature have been recommended dealing with, one, a time limitation to start construction, for the issuance of

MR. DURAN (Cont'd.)

special permits; two, a new section dealing with zoning in increments; and three, a new section establishing a performance time limitation in the district meetings where we can be heard.

Under the incremental zoning (inaudible), a petitioner for urban rezoning is provided the option of proceeding under the incremental zoning section where if the applicant agrees to develop an area in increments not to exceed five years, in a specific manner, and improvement of both project and zoning to urban on the first increment (inaudible) the applicant's five-year construction program, the Commission guarantees the second or remaining increment, provided the applicant substantially completes his development program as represented when presented to the Commission. If the applicant does not substantially complete this development as agreed upon, the Commission may not rezone additional future increments.

Under the time performance section, the Commission may rezone an area previously zoned urban if substantial development has not occurred in accordance with the petitioner's representation within the five years of rezoning. This is intended to discourage placing urban zoned lands with owners who do not intend to use it when there are other petitioners desiring urban zoning and who wish to pursue worthwhile programs.

Along section 2.39 in the District Regulations, it relates to the dedication of land and its administration by the Tax Office, so it really has no relevancy to the Land Use Commission.

Since the public hearing, the Commission has conducted numerous workshop sessions and reviewed many comments of the public received at the public hearings and through the mail and, as a result, felt that a draft of . . . (inaudible) . . . which is presently (inaudible) this plan of action.

MR. DURAN (Cont'd.)

This is a summary of our progress to date on our (inaudible).

CHAIRMAN:

Thank you, Mr. Duran. Is there anyone who would like to testify regarding the rules and regulations of the Land Use Commission? We have testimony forms that have been signed but I presume those are relating more to the boundary changes than to the rules and regs. If not, what is the pleasure of the Commission regarding rules and regulations? We're ready for a motion.

COMMISSIONER CHOY:

Mr. Chairman, I move that we adopt these regulations at our . . .

CHAIRMAN:

We haven't yet filed them with . . . (inaudible) . . . after ten days.

COMMISSIONER:CHOY:

I move that we adopt these regulations as proposed and submit them to the Lieutenant Governor's office as per required by law.

CHAIRMAN:

Alright. Is there any second to that motion?

COMMISSIONER:

Second.

CHAIRMAN:

Are you ready for the question?

COMMISSIONER:

Question.

CHAIRMAN:

Mr. Duran, will you poll the Commissioners please?

MR. DURAN:

Commissioner Choy.

COMMISSIONER CHOY:

Yes.

MR. DURAN:

Napier.

COMMISSIONER NAPIER:

Aye.

MR. DURAN:

Mark.

COMMISSIONER MARK:

Aye.

MR. DURAN:

Kido.

COMMISSIONER KIDO:

Aye.

MR. DURAN:

Inaba.

COMMISSIONER:INABA:

Aye.

MR. DURAN:

Wung.

COMMISSIONER WUNG:

Aye.

MR. DURAN:

Nishimura.

COMMISSIONER NISHIMURA:

Aye.

MR. DURAN:

Chairman Burns.

CHAIRMAN BURNS:

Aye.

MR. DURAN:

The motion is carried, Mr. Chairman.

CHAIRMAN BURNS:

The next item on our agenda is the adoption of Land Use District Boundaries for the island of Kauai. Again, in order to simplify the procedure, I will ask Mr. Duran to highlight the changes that have been suggested by the Land Use Commission and then later if there are any suggestions or changes that any of you wish to suggest or recommend to the Commission, they'll be glad to hear from you. Rom, would you proceed please?

MR. DURAN:

Mr. Chairman, Commissioners, ladies and gentlemen. We have posted on the wall in this room proposed district boundaries for the urban, rural and conservation districts to be applied to the County of Kauai. The maps are a result of studies by our consultants, Eckbo, Dean, Austin & Williams, the staff and the Land Use Commission, and these studies included existing and projected populations, development planning, a state-wide attitude survey of the Land Use Law, workshop sessions with State and County officials, comments from the public resulting from our public hearings, extensive legal examinations and investigations and evaluations of read testimony

MR. DURAN (Cont'd.)

received since the public hearings, and there have been approximately 35 communications from interested parties for protesting the proposed amendments.

The Kauai population is expected to increase from 31,200 in 1968 to approximately 36,000 in 1978. That's about a 17% increase. All the requests have been for additional urban zoning. Our consultants have stated that there are approximately 5,900 acres in the existing urban district at the present time of which 3,240 acres are vacant for agricultural use and available for urban development. They have also advised that approximately 800 acres will be needed to accommodate the anticipated growth over the next ten year period. That's about 2,400 acres that would still be left vacant and available for urban development.

To date, the Commission has received requests for additional urban districting on the island of Kauai for an area totalling approximately 3,430 acres. The proposed district boundaries on the wall maps being considered at this meeting and dated July 8, 1969, add an additional 1,650 acres to the urban district. Those added urban areas are generally located on Kauai District Map 85, (inaudible) village, on Map 86, on Princeville Ranch, at Kalaheo, and (inaudible) and Poipu on Map 88, and on Map 89 on (inaudible) and . . . (inaudible due to coughing in the room) . . . There is also some 32 acres in Wailua.

It should also be noted that there is an increase in the conservation district, primarily along the shoreline. This is the concept initiated by the Commission to recognize the natural resource of the State and its shoreline.

MR. DURAN (Cont'd.)

This, I think, basically summarizes that situation.

CHAIRMAN BURNS:

Thank you, Rom. We have a list of people who have submitted . . . or signed testimony forms so I will go through these. Inasmuch as there are a number of you, we'll limit the presentation to ten minutes. Please don't feel you have to take ten minutes. The first one is Mr. Bell. Will you come forward please and let us swear you in?

(The swearing in process was inaudible due to distance from tape recorder.)

MR. BELL:

Mr. Chairman and members of the Land Use Commission, as has already been stated, I am Jim Bell of Belt, Collins & Associates, and tonight, as I did at your April 11th hearing, I am representing (inaudible) Estate.

We would like to reiterate our opposition to placing any of the (inaudible) Estate lands in the Imao conservation district. We would also like to reiterate our request for urban zoning of 100 acres of . . (inaudible) . . The staff and consultants have recommended this land be continued in agricultural zoning. The land is presently not used for agriculture and is not suited for agriculture. If it's left in the agricultural district, it will continue to be idle and thus, not contribute to the economy of Kauai and the State. Thus, we would like again to request that you rezone the parcel for urban use so the estate can begin development.

Thank you again for your time and I would be happy to answer any questions.

CHAIRMAN BURNS:

Would you mind pointing out on the map the parcel you're talking about

CHAIRMAN BURNS (Cont'd.)

please so the Commissioners can see the area?

MR. BELL:

The parcel is right here next to (inaudible).

CHAIRMAN BURNS:

Are there any questions the Commissioners have?

COMMISSIONER INABA:

Mr. Bell, have you got any feasibility plans or . . . ?

MR. BELL:

Yes. At the hearing in April we submitted a feasibility plan, indicating (inaudible) spots and various other studies for the parcel.

CHAIRMAN BURNS:

Thank you. Are there any other questions? If not, thank you, Mr. Bell. Did the consultants review the proposal that Mr. Bell had?

STAFF:

Yes.

CHAIRMAN BURNS:

They have taken that into consideration. Thank you. What is the recommendation of the consultants in this regard?

MR. ALTMAN:

The report indicated that the area was poorly . . (inaudible) . . and the land, if zoned urban . . . at that time, we didn't think that the report was in sufficient detail to warrant zoning it urban. We've asked to see further details on their plan.

CHAIRMAN BURNS:

Thank you.

Mr. Lovejoy, InterIsland Resorts.

(Swearing in process was inaudible due to distance from tape recorder.)

MR. LOVEJOY:

Mr. Chairman, members of the State Land Use Commission. I haven't dealt much with (inaudible) before . . (inaudible) . . representing Inter-Island Resorts.

We would like to reiterate our position on conservation zoning for (inaudible). As we indicated in April, we would be willing to accept conservation if the land remaining can be developed as per the original plan as it is shown on the drawings. We feel that in order to utilize the site, as we have planned for many years, we respectfully will have to ask you to move the boundary at least to the location indicated at our April 11 hearing.

Your staff of consultants has suggested a compromise location. We cannot accept this. We would like to have either the boundaries moved here as on these drawings . . .

CHAIRMAN BURNS:

Excuse me. Is this the data on the board?

MR. LOVEJOY:

Yes. This is the boundary request.

CHAIRMAN BURNS:

Do the Commissioners have any questions of Mr. Lovejoy? Yes.

COMMISSIONER CHOY:

Mr. Lovejoy, do you expect to develop that area as you did on the left with all those little . . . ?

MR. LOVEJOY:

Now here is the proposal.

COMMISSIONER CHOY:

Well, that's level though. Is there any objection to keeping the

COMMISSIONER CHOY (Cont'd.)

alignment at the top of the . . .

MR. LOVEJOY:

Well, your line is somewhere in here, as I understand.

CHAIRMAN BURNS:

No, I don't think so. Rom, would you mind showing him the line that . . . as near as you can? Could you move the blackboard so the Commissioners can see it?

MR. DURAN:

The proposed conservation line, Mr. Chairman, follows along the top. This seems to be about half way down. Their proposed line is below the . . .

CHAIRMAN BURNS:

Are there any questions the Commissioners have? If not, thank you, Mr. Lovejoy.

MR. LOVEJOY:

Thank you.

CHAIRMAN BURNS:

Mr. Ray W. Luchis.

MR. LUCHIS:

I'm from Kalaheo and am just here as a taxpayer and also someone who is interested in the western Kauai conservation district.

The area that I'm concerned with is the Salt Pond area. I've heard you ask the developers what their plans were for their land, and my question as a resident here is, what is the State's plan for Salt Pond and why so much of the State land is zoned urban and so much of the privately-held land is in conservation. Wouldn't it be logical to retain these open

MR. LUCHIS (Cont'd.)

spaces owned by the State where you have open (inaudible) rather than force State control on private lands?

CHAIRMAN BURNS:

You're speaking of Salt Pond and Hanapepe, are you? Would you point them out on the map to the Commissioners so they can see the area you're talking about?

MR. LUCHIS:

(Pointed out areas on maps and accompanied by comments, many of which were obliterated by Commissioners speaking in the foreground.) As residents, we have seen countless plans for that area but, of course, nothing has ever come to pass, and I'm just curious to see what the State's plans are for that area ultimately, and again, why so much private land is put into conservation whereas the State-owned lands are not. If the State owned the conservation lands, they could preserve it as they wished, and then let free enterprise develop the other areas.

CHAIRMAN BURNS:

Sunao, did you hear the . . . Would you restate your question please?

MR. LUCHIS:

Well, I would like to know what the State's plans are for Salt Pond and why State land is taken and used as urban land and private lands are put into conservation rather than vice versa. You own land; you can do what you wish with it now in conservation. Why put it into urban?

COMMISSIONER KIDO:

Well, for the first part . . . I don't know this gentleman's name, but the area makai of the Salt Pond is actually for airport purposes and

COMMISSIONER KIDO (Cont'd.)

in order to have airport use, it should be in the urban zone. Secondly, there has been some development plans with respect to a portion of the land for hotel resort purposes, but by and large, it's because of the existing airport that the land remains in the urban designation. The entire area, for your information, is covered by an executive order to the Department of Transportation for airport purposes, and this is the reason why the entire area has remained in the urban designation.

MR. LUCHIS:

Will it remain as an airport?

COMMISSIONER KIDO:

No. I don't think so. It doesn't appear that there is sufficient air traffic there to justify an airport there but, of course, I'm not at liberty to make that determination. That determination is to be made by the Department of Transportation that should the area there not be used for airport purposes, then it would revert to the State as unencumbered lands.

CHAIRMAN BURNS:

Rom, do you have anything to add? Is there any background information or . . . ?

MR. DURAN:

I think that this is something the Department of Transportation has to answer.

CHAIRMAN BURNS:

Well, it's logical they wouldn't ask for an area to be urbanized unless they had a reasonable reason.

COMMISSIONER NAPIER:

Well, the Department of Transportation is not in the house building

COMMISSIONER NAPIER (Cont'd.)

business.

COMMISSIONER:

Well, some other department, I would think.

MR. (?):

(Another speaker introduced himself and made some comments, but he was too far from the microphone in order for his comments to be audible.)

CHAIRMAN BURNS:

Do the Commissioners have any questions?

COMMISSIONER:

How many acres was that now?

MR. (?):

Ten acres.

MR. DURAN:

Mr. Chairman, you'll recall that we discussed this area with a number of applicants that have requested dedication. There might be enough now so that dedication could be recommended in the area for (inaudible) purposes, and we would suggest that these people, particularly those protesting, briefly make a dedication application and . . . (inaudible) . . .

CHAIRMAN BURNS:

Thank you.

Next . . . Mr. George Oshita, Wailua Homestead.

MR. OSHITA:

Mr. Chairman and Commissioners. I was here in April and . . . (additional comments were totally inaudible; speaker apparently was not facing direction of tape recorder microphone; he was some distance from the mike, and there was a high ringing tone on a portion of the tape containing his

MR. OSHITA (Cont'd.)

testimony) . .

(Another speaker also gave testimony, but neither his name nor his comments were audible.)

CHAIRMAN BURNS:

Do the Commissioners have any questions?

COMMISSIONER:

Mr. Wilcox, are you in agreement with the boundary change as it is now?

MR. WILCOX:

(Response inaudible.)

COMMISSIONER:

Your objection is only on the conservation line?

MR. WILCOX:

(Response inaudible; a few words could be deciphered but the general conversation was blurred.)

CHAIRMAN BURNS:

Are there any other questions the Commissioners have?

COMMISSIONER:

What are the differences between what we have districted and proposed and have not in the suggested changes?

MR. DURAN:

I'll show you on the map. (Apparently, the distance from the tape recorder from the map area where Mr. Duran was standing was too great for the comments to be audible.)

CHAIRMAN BURNS:

Mr. Earl Stone, Amfac Properties.

MR. STONE:

Mr. Chairman and gentlemen of the Commission. If I may, I'll point out on the large map here and try to clarify it. Our main point is adjacent to Nawiliwili Harbor to the east of the lighthouse. The property in question includes about 320 acres and represents a proposed continuation of Lihue town and also a resort development. (A few sentences were inaudible except for a few words; the microphone that the speakers are using is too far from the tape recorder.) We certainly accept the Commission's concern for this (inaudible). However, we would like to indicate that we have received (inaudible) on this development project whereby we have completed most of the basic engineering design, all of the economic studies, and we are prepared to proceed immediately to this project. We naturally will . . (inaudible) . . completion of studies. However, we do want to request Commission to reconsider the change back in . . (inaudible) . . Basically, the area contains residential, apartments, hotel, commercial, recreation and open conservation.

If you have any questions, I'll be happy to answer them.

CHAIRMAN BURNS:

Do the Commissioners have any questions of Mr. Stone?

COMMISSIONER:

Mr. Stone, can you tell me what possible effects there would be, depending upon what the Peat, Marwick, Livingstone study comes out with?

MR. STONE:

The . . (inaudible) . . line is approximately northeast-southwest of this area. This area was originally indicated as apartment and residential zoning. It was changed to satisfy the plan . . (inaudible) . .

MR. STONE (Cont'd.)

The north-south runway between the junction and this arrow indicated here, depending on where it went on the (inaudible) line, is the flight pattern in and out of the Lihue airport which goes directly over this area. You've indicated to Peat, Marwick & Livingstone and also to the State Airports Division that such . . . (inaudible) . . . would not only eradicate this whole area for any development but would also cause serious concern to residences in the Waimalu area that are presently in there now and proposed residential areas there and also . . . (inaudible) . . . which is the length required for take-offs and landings in the area.

CHAIRMAN BURNS:

Are there any other questions? If not, thank you.

Mr. Bell, Knutsen Trust.

MR. BELL:

Mr. Chairman and members of the State Land Use Commission. Again, I'm Jim Bell and, as in the April 11 hearing, I'm representing Knutsen Trust.

I would like to state again our request for urban zoning in Koloa and Poipu. Tonight I would like to add that the Trust is particularly anxious to get the urban zoning on the Poipu parcel which is mauka of the old railroad right-of-way and adjacent to Poipu Road and (inaudible) subdivision. . . (inaudible) . . . mauka of Poipu Road and (inaudible) subdivision, both of which have urban zoning. The parcel is about 80 acres in size. The trust has put together recreation facilities for the Poipu area. They are well aware of the problems of Poipu and recognize the need for additional recreational facilities. Seeking to add to the attractiveness

MR. BELL (Cont'd.)

of this particular visitor destination area, plans are now developing for
. . (inaudible) . .

Thank you for your time.

CHAIRMAN BURNS:

Thank you. Are there any questions that you wish to address to Mr.
Bell? Thank you, Mr. Bell.

Mr. John Loomis, (inaudible) plantation.

MR. LOOMIS:

Mr. Chairman, Commissioners. We've placed a letter from the (inaud-
ible) plantation employees before you . . (inaudible) . . The first
change requested is (inaudible) acres of land on the northwest of the
slope on (inaudible) crater. The second thing is . . (inaudible due to
the fact that the speaker was talking in a very low tone) . .

CHAIRMAN BURNS:

Are there any questions the Commissioners have of Mr. Loomis? Rom,
do you have any questions on the area.

MR. DURAN:

I have a map of the area.

CHAIRMAN BURNS:

Thank you, Mr. Loomis.

Mr. Lee (?).

LEE:

Mr. Chairman, members of the Land Use Commission. My name is Lee
(inaudible).

In checking with the City Planning Commission, I found that some

LEE (Cont'd.)

proposals . . (inaudible) . . and I would like to have the Land Use Commission include the important . . (inaudible). . The tax key number is 2401-2503-24031. We request that the Commission approve this property for the proposed urban zoning. Thank you.

CHAIRMAN BURNS:

Do the Commissioners have any questions?

COMMISSIONER:

Yes. Am I to understand that your land was previously zoned as urban?

LEE:

That was from . . .

COMMISSIONER:

From the County Planning Commission.

LEE:

Right. Upon investigation. But I find now that it isn't approved.

COMMISSIONER:

I see. But under the existing one, it was . . . to the best of your knowledge, it was in urban designation?

LEE:

Yes. That was my understanding but now it isn't.

COMMISSIONER:

Right. But formerly it was.

LEE:

Yes, formerly it was.

COMMISSIONER CHOY:

Your land abuts an urban area.

LEE:

Yes, it does.

COMMISSIONER CHOY:

And your land is different from the . . (inaudible due to coughing in background) . .

LEE:

(Response was inaudible; it sounded as if he was facing in another direction.)

(Discussion among several of the Commissioners and Chairman, though it was inaudible; I believe it was meant to be that way.)

CHAIRMAN BURNS:

Mr. Richard Cox.

MR. COX:

Mr. Chairman and members of the Land Use Commission. I first would like to go over the work we've been doing for the last . . (inaudible) . .

COMMISSIONER:

A little bit louder. We can't hear you.

MR. COX:

There was one thing that we were concerned about in April when we appeared here and I . . (inaudible) (inaudible) . . use of conservation around the perimeter of the island. . . (inaudible) . . if I meet your regulations here, includes within the agricultural district, the following standards shall apply. . . (inaudible) which are not under the agricultural or (inaudible) activity but topography, soils and other characteristics may be included in agricultural (inaudible). From time to time, the boundaries do change. As I look at the boundaries, . . (inaudible) . .

MR. COX (Cont'd.)

this very narrow strip comes between the cane fields and the ocean. (Some additional comments inaudible.) Our consultants . . . (inaudible) . . . substantial development along the south shore of Kauai.

CHAIRMAN BURNS:

Thank you. Are there any questions of Mr. Cox? None? Thank you very much, Mr. Cox.

(Inaudible) Wong.

MRS. WONG:

(Comments inaudible.)

CHAIRMAN BURNS:

Can you hear her at the end of the table?

MRS. WONG:

(Comments totally inaudible. She spoke in a very soft voice.)

CHAIRMAN BURNS:

Are there any questions of Mrs. Wong?

COMMISSIONER:

(Name inaudible), could you answer her question on that Hanapepe Valley rural district . . . why the County has kept it as such?

UNIDENTIFIED:

(Comments were totally inaudible. A steady hum is beginning to infiltrate the recording.)

COMMISSIONER: INABA:

Mr. Chairman. However, the County is trying to put the blame on the Land Use Commission.

COMMISSIONER:

Oh, come on, Goro.

COMMISSIONER INABA:

For the past six years now, this has been a rural district and the recommendation has been rural in nature, and that is one reason why we have not put that into urban districting.

CHAIRMAN BURNS:

Rom, have you received or have the consultants received any requests for change?

MR. DURAN:

I believe this matter was considered.

CHAIRMAN BURNS:

Considered by the consultants?

MR. DURAN:

Yes, it was.

COMMISSIONER:

What was the recommendation?

MR. DURAN:

Well, judging by the maps, the area is still in rural designation so it was not recommended for (inaudible). It is up the valley, well into the rural district. I'm quite certain the property is urban. Her property per se would create spot districting.

CHAIRMAN BURNS:

Thank you, Rom.

MR. DURAN:

Probably what she should do is file a formal petition, Mr. Chairman, if she wants to pursue this matter. She could probably get all the property

MR. DURAN (Cont'd.)

owners makai of her property into the urban district classification.

CHAIRMAN BURNS:

I suggest after this meeting you talk with her, Mr. Duran, and get an outline of the procedure that is required.

Mr. John T. Waterhouse.

MR. TANAKA:

Mr. Chairman and Commissioners. My name is Eddie Tanaka and I am here for Mr. John T. Waterhouse who is (inaudible).

I'd like to first call your attention to . . (inaudible) . . is helping us out in finding out what has been happening recently. . . (inaudible) . . ; however, it is requested that the boundary of the conservation district as presently outlined be (inaudible) from the 200 foot elevation to a 400 foot elevation mark for the following reasons: (reasoning comments were inaudible.) We realize, of course, that it's possible to petition for the changes . . (inaudible) . . it is a bonafide basis.

CHAIRMAN BURNS:

Are there any questions the Commission has to address to Mr. Tanaka?

MR. DURAN:

Mr. Tanaka, what is that slope over that land . . (inaudible) . .

MR. TANAKA:

(Comments inaudible.)

CHAIRMAN BURNS:

Are there any other questions? If not, thank you, Mr. Tanaka.

Members of the Land Use Commission, you've heard the presentations that have been made and, as you know, it is our responsibility to take

CHAIRMAN BURNS (Cont'd.)

action today on Kauai District boundaries. We have the authority to change boundaries through the procedure that's outlined in our rules and regulations at any time. In view of the district boundaries that have been recommended to us by our consultants and reviewed very thoroughly by our Commission and also have carefully reviewed the objections presented and in some cases, substantial changes in the district lines made by the Commission, I think it is now in order that a motion be made regarding your pleasure on the boundaries of Kauai.

COMMISSIONER:

Mr. Chairman.

CHAIRMAN BURNS:

Let's have a ten minute recess before we do this.

Is there anyone else who would like to make any comments or observations or give us any additional information that may be of value in our making the final determination?

UNIDENTIFIED:

Several weeks ago I read an article in one of the papers in regards to the shoreline conservation areas and . . . (inaudible) . . . and the newspaper article said that no one spoke out in favor of the proposed conservation zoning along the shoreline, and I think someone should compliment and commend the Commission and staff members for the excellent job that they have done. . . (inaudible) . . . in favor of a proposed shoreline zoning of conservation areas. My position is that I feel this is a very corrective step in the right direction. I think it will help to keep these areas in . . . (inaudible) . . . and as the need comes about, the areas can be changed, but

UNIDENTIFIED (Cont'd.)

for the time being, I think for all practical purposes and for the public good, it's a good step the Commission has taken to zone these areas in conservation.

CHAIRMAN BURNS:

Thank you very much. Anybody else? If not, the chair will entertain a motion regarding the Kauai District boundaries.

COMMISSIONER:

Mr. Chairman, I move that the district boundary maps for the County of Kauai shown on the maps now before this Commission be adopted, with the rezoning of land as shown by the revised district boundary maps to be effectively concurrently with and subject to the rules and regulations of this Commission, adopted July 8, 1969.

CHAIRMAN BURNS:

Is there any second to that?

COMMISSIONER:

I second.

CHAIRMAN BURNS:

Are you ready for the question?

COMMISSIONER:

Question.

CHAIRMAN BURNS:

Will you poll the Commissioners, Mr. Duran?

MR. DURAN:

Commissioner Wung.

COMMISSIONER WUNG:

Aye.

MR. DURAN:

Inaba.

COMMISSIONER INABA:

Aye.

MR. DURAN:

Mark.

COMMISSIONER MARK:

Aye.

MR. DURAN:

Kido.

COMMISSIONER KIDO:

Aye.

MR. DURAN:

Choy.

COMMISSIONER CHOY:

Aye.

MR. DURAN:

Napier.

COMMISSIONER NAPIER:

Aye.

MR. DURAN:

Nishimura.

COMMISSIONER NISHIMURA:

Aye.

MR. DURAN:

Chairman Burns.

CHAIRMAN BURNS:

Aye.

MR. DURAN:

Motion is carried, Mr. Chairman.

CHAIRMAN BURNS:

Thank you. Do you have anything else that needs to be discussed?

MR. DURAN:

I think it would only be fair to advise the people who have not attended this meeting that they have the right to file a rezoning application at any time after this meeting to seek the proper classification of (inaudible).

The other comment, Mr. Chairman, is that we will proceed on July 18 to the island of Hawaii to enact the boundaries there.

CHAIRMAN BURNS:

Thank you. Do any of the Commissioners have anything they'd like to bring up?

COMMISSIONERS:

No.

CHAIRMAN BURNS:

If not, the meeting is adjourned.

UNIDENTIFIED:

I've had a problem reading some of the rules and I'd like to bring it up at this time. I . . . (inaudible) . . . for the record for any amendment the Commissioners may wish to . . . (inaudible) . . . (Additional comments were very blurred and almost totally inaudible.)

CHAIRMAN BURNS:

What is the pleasure of the Commission? You've heard George's comments. Any suggestions?

COMMISSIONER:

We've already adopted the rules and regulations though.

CHAIRMAN BURNS:

We have. We've already adopted the rules. George, we've adopted the rules.

GEORGE:

Yes. I think that just an impression of the Commission as to the purpose of this would be sufficient and . . . (inaudible) . . . I think that this is the intent of the Commission at . . . (inaudible) . . .

CHAIRMAN BURNS:

George, tie this over again . . . (inaudible) . . .

GEORGE:

I'm saying that the initial . . . (inaudible) . . . members of this Commission . . . (inaudible) . . . Does this participation preclude the . . . (inaudible) . . . from ever again appearing before this Commission? This is one possible (inaudible) in this section.

COMMISSIONER:

Mr. Chun. I suggest we note counsel's comments for the record and perhaps ask him to consult maybe other members of the Attorney General's office for possibly a subsequent finding or contingent to be given to the Commission.

CHAIRMAN BURNS:

Would that be to the wishes of the Commission?

COMMISSIONERS:

(Response affirmative.)

CHAIRMAN BURNS:

If there is nothing else, the meeting is adjourned.

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